

REMARKS

Applicants have canceled claims 2-4 without prejudice or disclaimer of their subject matter, and amended claim 1 to more appropriately define the present invention. Claims 1 and 5-23 are pending, with claims 6 and 9-23 withdrawn from further consideration, and claims 1, 5, 7, and 8 under current examination.

Regarding the Office Action:

In the Office Action, the Examiner rejected claims 1, 5, 7, and 8 under 35 U.S.C. § 102(e) as anticipated by Gates, et al. (U.S. Patent No. 6,617,690) ("Gates"); rejected claims 2-3 under 35 U.S.C. § 103(a) as unpatentable over Gates; and objected to claim 4 as being dependent upon a rejected base claim, but indicated that it would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants traverse the rejections for the following reasons.¹

Regarding Claim Amendment:

In response to the Examiner's indication of allowable subject matter in claim 4, Applicants have cancelled claims 2-4 without prejudice or disclaimer of the subject matter thereof and amended claim 1 to include the elements of cancelled claim 4. Additionally, amended claim 1 recites that the interval between plugs is set to "about" 1 μm or less, as disclosed in Applicants' specification at page 47, lines 11-12. Claims 5, 7, and 8 depend from base claim 1. Applicants therefore submit that pending claims 1, 5, 7, and 8 are allowable, and request that the Examiner withdraw the objection to claim 4.

¹ The Office Action contains statements characterizing the related art, case law, and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

Rejection of Claims 1, 5, 7, and 8 under 35 U.S.C. § 102(e):

The rejection of claims 1, 5, 7, and 8 has been rendered moot by the amendment made to claim 1. Therefore, the 35 U.S.C. § 102(e) rejection should be withdrawn.

Rejection of Claims 2 and 3 under 35 U.S.C. § 103(a):

The rejection of claims 2 and 3 has been rendered moot by the cancellation of these claims, without prejudice or disclaimer of their subject matter. Therefore, the 35 U.S.C. § 103(a) rejection should be withdrawn.

Conclusion:

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the objections and rejections. Pending claims 1, 5, 7, and 8 are in condition for allowance, and Applicants request a favorable action.

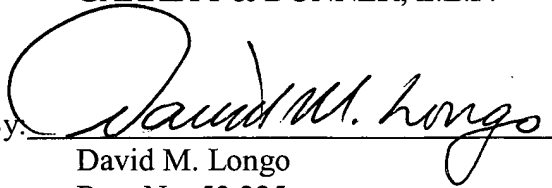
Should the Examiner continue to dispute the patentability of the claims after consideration of this Amendment, Applicants encourage the Examiner to contact the undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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